

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 5573-123

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
***FT-RAMAN SPECTROSCOPIC MEASUREMENT***

the specification of which

is attached hereto

OR

was filed on August 25, 2000 as United States Application No. 09/649,447 or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

None			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, 119(e) of any United States provisional application(s) listed below.

60/150,878	08/26/99
Application Number(s)	Filing Date (MM/DD/YYYY)
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. 1.63(d)).

None		
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**Customer Number 20792**

Steven A. Fontana  
Registration No. 34,599

Send correspondence to:

Robert J. Smith  
Myers Bigel Sibley & Sajovec, P.A.  
Post Office Box 37428  
Raleigh, NC 27627

Direct telephone calls to:

Robert J. Smith  
(919) 854-1400

Facsimile:

(919) 854-1401

Full name of first inventor:

**Robert R. Whittle**

Inventor's  
Signature:



\_\_\_\_\_  
Date: 11/29/00

Residence:

Wilmington, North Carolina

Citizenship:

United States of America

Post Office Address:

5006 Pine Needles Drive  
Wilmington, North Carolina 28403

Full name of second inventor: **Frederick D. Sancilio**

Inventor's  
Signature:  Date: 11/29/02

Residence: **Wilmington, North Carolina**

Citizenship: **United States of America**

Post Office Address: **2332 Ocean Point Drive  
Wilmington, North Carolina 28405**

Full name of third inventor: **Grayson Walker Stowell**

Inventor's

Signature: Grayson Walker Stowell

Date: 11/29/00

Residence: **Wilmington, North Carolina**

Citizenship: **United States of America**

Post Office Address: **710 Darwin Drive  
Wilmington, North Carolina 28405**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/649,447	08/25/2000	Robert R. Whittle	5573-123

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627

## FORMALITIES LETTER



\*OC00000005481417\*

Date Mailed: 10/18/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attorney's Docket No. 5573-123

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whittle et al.

Serial No.: 09/649,447

Group Art Unit: 1743

Filed: August 25, 2000

For: *FT-RAMAN SPECTROSCOPIC  
MEASUREMENT*

Date: December 11, 2000

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

In reviewing the filing receipt (copy attached) for the above referenced application, Applicant notes that the title appears as FT-RAMAN SPECTRODCOPIC MEASUREMENT.

Applicant respectfully requests that the title be corrected to read FT-RAMAN SPECTROSCOPIC MEASUREMENT and that a corrected filing receipt be issued.

Respectfully submitted,

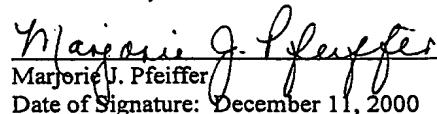


Robert J. Smith  
Registration No. 40,820

Myers Bigel Sibley & Sajovec  
PO Box 37428  
Raleigh NC 27627  
Telephone (919) 854-1400  
Facsimile (919) 854-1401

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX MISSING PARTS, Commissioner For Patents, Washington, DC 20231, on December 11, 2000.

  
\_\_\_\_\_  
Marjorie J. Pfeiffer  
Date of Signature: December 11, 2000

RJS



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/649,447	08/25/2000	1743	690	5573-123	3	6	3

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627

**FILING RECEIPT**



\*OC000000005481416\*

Date Mailed: 10/18/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Robert R. Whittle, Wilmington, NC ;  
 Frederick D. Sancilio, Wilmington, NC ;  
 Grayson Walker Stowell, Wilmington, NC ;

**Continuing Data as Claimed by Applicant**

THIS APPLN CLAIMS BENEFIT OF 60/150,878 08/26/1999

**Foreign Applications**

**If Required, Foreign Filing License Granted 10/17/2000**

**Title**

FT-raman spectroscopic measurement

**Preliminary Class**

436

Data entry by : DILLON, LAWANDA

Team : OIPE

Date: 10/18/2000



DOCKETED
By: <u>lbd</u>
Date: <u>10/27/00</u>

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

ASSIGNMENT RECORDATION FORM COVER SHEET *Patents Only*

To the Honorable Commissioner of Patents and Trademarks:

Date: August 28, 2003  
Attorney Docket No. 5573-123

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

A) Robert R. Whittle  
B) Frederick D. Sancilio  
C) Grayson Walker Stowell

2. Name and address of receiving party(ies):

aaiPharma Inc.  
2320 Scientific Park Drive  
Wilmington, NC 28405

**COPY**

Additional name(s) of conveying party(ies) attached? Yes  No

3. Nature of conveyance:

Assignment  
 Merger  
 Security Agreement  
 Change of Name  
 Other \_\_\_\_\_

Additional name(s) & address(es) attached? Yes  No

Execution Date: (A) August 19, 2003 (B) August 19, 2003  
(C) August 19, 2003

4. Application Serial No. 09/649,447 Filed On: August 25, 2000

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Additional numbers attached? Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

F. Michael Sajovec  
Myers Bigel Sibley & Sajovec  
P. O. Box 37428  
Raleigh NC 27627

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 50-0220

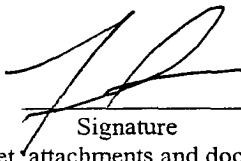
DO NOT USE THIS SPACE

9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

F. Michael Sajovec Reg. No. 31,793

Name of Person Signing



Signature

August 28, 2003

Date

Total number of pages including cover sheet, attachments and document: 3

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Assignment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 28, 2003.

Clara R. Beard

## ASSIGNMENT

THIS ASSIGNMENT, made by us, **Robert R. Whittle**, citizen of the United States of America, residing at 5006 Pine Needles Drive, Wilmington, North Carolina 28403; **Frederick D. Sancilio**, citizen of the United States of America, residing at 2332 Ocean Point Drive, Wilmington, North Carolina 28405; and **Grayson Walker Stowell**, citizen of the United States of America, residing at 710 Darwin Drive, Wilmington, North Carolina 28405 and

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in **FT-Raman Spectroscopic Measurement**, for which an application for United States Letters Patent has been filed in the United States Patent and Trademark Office on August 25, 2000, under Serial No. 09/649,447, and

WHEREAS, **aaiPharma Inc.**, a North Carolina corporation having a principal place of business at 2320 Scientific Park Drive, Wilmington, State of North Carolina 28405, hereinafter referred to as assignee, is desirous of acquiring the entire right, title, and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

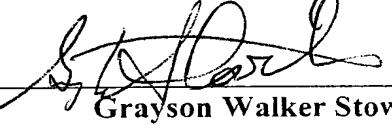
IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 19<sup>th</sup> day of August, 2003.

   
\_\_\_\_\_  
Robert R. Whittle

(SEAL)

  
\_\_\_\_\_  
Frederick D. Sancilio

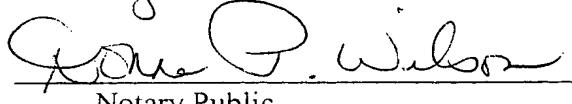
(SEAL)

  
\_\_\_\_\_  
Grayson Walker Stowell

(SEAL)

STATE OF NORTH CAROLINA )  
 ) ss:  
COUNTY OF New Hanover )

Before me personally appeared the persons described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same for the purposes therein stated, this 19<sup>th</sup> day of August, 2003.

  
\_\_\_\_\_  
G. G. Wilson  
Notary Public

SEAL

My Commission Expires: June 28, 2006